Remarks/Arguments

Claims 1-6 are pending. Claims 1-2 and 5-6 have been amended to correct formal defects, no new matter is believed to be added by the present amendment.

Rejection of claims 1-3 and 5-6 under 35 USC 103(a) as being unpatentable over Naimpally (US Pat No 5,619,337) in view of Yoneda et al. (EP 0 841 819)

Applicants submit that for the reasons discussed below present claims 1-3 and 5-6 are patentably distinguishable over the teachings of Naimpally and Yoneda et al.

Present claim 1 recites:

> 1. (Amended) Method for recording data in a digital video processing device connectable to a recording medium, the steps of:
> - receiving a stream of data packets, each data packet being associated with one of N packet identifiers;
> - providing N (N>1) buffers for receiving respectively packets corresponding to one of N packet identifiers;
> - monitoring a total quantity of data stored in the N buffers; and
> - triggering a writing process of the data contained in the buffers to the recording medium when said total quantity of data reaches a predetermined level.

Applicants submit that the combination of Naimpally and Yoneda fail to teach or suggest each and every one of the limitations of present claim 1.

At the outset, the Office Action alleges that Naimpally teaches the limitations of receiving a stream of data packets, each data packet being associated with one of N packet identifiers; providing N (N>1) buffers for receiving respectively packets corresponding to one of N packet identifiers. Applicants respectfully disagree and submit that nowhere does Naimpally teach or suggest these limitations of claim 1.

Naimpally teaches a system to encode and record a single program from a multi-program transport stream encoded according to the MPEG-2 standard. In this regard, the portions of Naimpally cited by the Office Action relate to the **encoder portion** of the system. Col. 3, lines 9-15 mentions that the invention of Naimpally is directed to a system that can record programs from a multi-program stream without first decoding the programs. Col. 7, lines 26-39 describe the well-

known process of receiving a selected program, including, first receiving a PAT (program association table) to acquire the PMT (program map table), which provides the PIDs associate with the selected program. Col. 8, lines 5-32 further describe the initialization process which comprises identifying the PAT and PMT, and the PIDs of the desired program, and selectively sending the desired packets to the DVCR (digital VCR). However, nowhere do the cited portions teach or suggest the above-mentioned limitations of claim 1.

The Office Action further cites Fig. 1A with regard to the above-mentioned limitations of claim 1. However, Fig. 1A is directed to the encoder portion of the system. Applicants submit that in view of the knowledge of those skilled in the art, encoders 112 and 114 of Fig. 1A do not correspond to the recited buffers. In fact, encoders 112 and 114 are MPEG-2 encoders and are not buffers for storing video data packets correspond to respective identifiers. Col 3, lines 50-55 specifically state that they are **encoders for coding video data into packets** representing a single MPEG program transport stream. The encoders produce the data packets rather than receiving a stream of data packets. The input to the encoders do not correspond to packets of a stream of data packets.

In view of the above, applicants submit that Naimpally fails to teach or suggest the subject limitations of claim 1.

The Office Action further acknowledges that Naimpally fails to teach or suggest the limitation of monitoring the total quantity of data stored in the N buffers and triggering a writing process of the data contained in the buffers to the recording medium when the total quantity of data reaches a predetermined level. Yoneda is cited to provide the missing elements. Applicants submit that for the reasons discussed below Yoneda fails to teach or suggest these limitations.

Yoneda relates to a system for multiplexing audio and video data. In that regard, Yoneda proposes a solution based on buffers, but allows arranging alternately the audio and video data in arbitrary buffers. However, applicants are unable to find any teachings or suggestions in regard to the above-mentioned limitations of claim 1 in Yoneda.

In fact, the portions of Yoneda cited by the Office Action specifically teach transferring the content of the buffers to the storage unit when the respective buffers are filled up. Col. 47, lines 7-15 states "when the audio buffer is filled up,

the audio buffering means 801 outputs the content of the buffer to the file management means 803 wherein it is written in a storage unit. Likewise, the video buffering means 802 contains a video buffer. When the video buffer is filled up, the video buffering means 802 outputs the content of the buffer to the file management means 803 wherein it is written in the storage unit." Col. 47, lines 33-54 further discuss the writing of the data from the buffers into the storage unit. Clearly, Yoneda teaches that the system includes a buffer for audio and a buffer for video, and each buffer is considered individually. Once a particular buffer is full, its contents are transferred to the storage unit.

By contrast, present claim 1 recites monitoring the total quantity of data stored in the N buffers and triggering a writing process of the data contained in the buffers to the recording medium when the total quantity of data reaches a predetermined level. In view of the above, Yoneda clearly fails to teach or suggest these limitations.

In view of the above, applicants submit that even if the proposed combination is proper, the combined teachings of Naimpally and Yoneda fail to teach or suggest each and every limitation of present claim 1, and as such, claim 1 and the claims that depend therefrom, are patentably distinguishable over the proposed combination of Naimpally and Yoneda.

Present claims 5-6 recite the features of present claim 1 in apparatus form and are believed to patentable distinguishable over the proposed combination of Naimpally and Yoneda for at least the same reasons as discussed with respect of claim 1.

Rejection of claim 4 under 35 USC 103(a) as being unpatentable over Naimpally and Yoneda et al. and in further view of Deo et al (US Pat No 6,304,914)

Deo is cited as teachings the step of writing a header into said recording unit, the header indicating for the data from each buffer the corresponding packet identifier, the size, and location of the data in the recording unit. Applicants submit that even assuming arguendo that Deo teaches the subject limitation, Deo fails to cure the defect of the proposed combination of Naimpally and Yoneda as applied

to claim 1. Thus, claim 4 is believed to be patentably distinguishable over the proposed combination of Naimpally, Yoneda and Deo.

Having fully addressed the Examiner's rejections it is believed that, in view of the preceding amendments and remarks, this application stands in condition for allowance. Accordingly then, reconsideration and allowance are respectfully solicited. If, however, the Examiner is of the opinion that such action cannot be taken, the Examiner is invited to contact the applicant's attorney at (609) 734-6815, so that a mutually convenient date and time for a telephonic interview may be scheduled.

Respectfully submitted,

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